

Rule 14-719. Qualifications for admission of House Counsel Applicants.

(a) Scope of practice. An attorney admitted to the Bar as House Counsel shall limit her or his practice of law including legal representation ~~only~~ to the business of her or his employer. However, House Counsel can provide pro bono legal services under the auspices of an approved sponsoring entity consistent with Rule 14-803 of the Utah Rules of Lawyer Discipline and Disability. House Counsel shall not:

(a)(1) Appear before a court of record or not of record as an attorney or counselor in the State of Utah except as otherwise authorized by law or rule; or

(a)(2) Offer legal services or advice to the public or hold herself or himself out as being so engaged or authorized, ~~except as permitted under Rule 5.5 of the Utah Rules of Professional Conduct.~~ An attorney granted a House Counsel license is not prevented from appearing in any matter pro se, performing pro bono services under Rule 14-803, or from fulfilling the duties of a member of the active or reserve components of the armed forces or the National Guard.

(b) Requirements of ~~H~~house ~~C~~counsel ~~A~~applicants. To be recommended for admission to the Bar as House Counsel, a person must establish by clear and convincing evidence that she or he:

(b)(1) has filed ~~with the Admissions Office~~ a Complete Application for admission ~~to the Bar~~ and paid the prescribed application fee;

(b)(2) is at least 21 years old;

(b)(3) graduated with a First Professional Degree in law from an Approved Law School, ~~or equivalent degree from~~, ~~or~~ an Unapproved Law School located within a U.S. state, territory or the District of Columbia;

(b)(4) is licensed to practice law and in active status in a U.S. state, territory or the District of Columbia;

(b)(5) either (A) is a bona fide resident of the State of Utah or (B) maintains an office as the employer's house counsel within the State of Utah;

(b)(6) is employed and practices law exclusively as ~~h~~House ~~c~~Counsel for a non-governmental corporation, its subsidiaries or affiliates, an association, a business, or other legal entity whose lawful business consists of activities other than the practice of law or the provision of legal services;

(b)(7) has provided an affidavit signed by both the Applicant and the employer that the Applicant is employed exclusively as ~~h~~House ~~c~~Counsel and that Applicant has disclosed to the employer the limitations on House Counsel's license of practicing under this rule;

- 35 (b)(8) is of good moral character and satisfies the requirements of Rule 14-708;
- 36 (b)(9) has presented satisfactory proof both of admission to the practice of law and that
37 she or he is a member in good standing in all jurisdictions where currently admitted;
- 38 (b)(10) has a proven record of ethical, civil and professional behavior and has never been
39 disbarred or resigned with discipline pending, or their equivalent, in any jurisdiction, and
40 is not currently subject to lawyer discipline or the subject of a pending disciplinary
41 matter;~~and~~
- 42 (b)(11) has received a passing MPRE score; and
- 43 (b)(12~~4~~) has complied with the oath and enrollment provisions of Rule 14-716 and paid
44 the licensing fees required for active status.
- 45 (c) Timing of application and admission. An application under this rule may be filed at
46 any time but the Applicant must be able to demonstrate that she or he satisfies the
47 requirements of this rule as of the date the application is filed.
- 48 (c)(1) The processing ~~time~~ of the application and the character and fitness investigation
49 require a minimum of four months to complete.
- 50 (c)(2) Upon approval the Applicant must comply with the provisions of Rule 14-716
51 concerning licensing and enrollment fees.
- 52 (c)(3) A person licensed as House Counsel shall pay annual license fees which shall be
53 equal to the fees required to be paid by a member of the Bar on Active status.
- 54 (d) Unauthorized practice of law.
- 55 (d)(1) It is the unauthorized practice of law for an attorney not licensed in Utah to
56 practice law in the state except as otherwise provided by law.
- 57 (d)(2) An attorney who complies with the requirements of subsection (b)(1) may provide
58 services to an employer in Utah while the application is pending as long as the
59 application is filed within six months of the out-of-state attorney accepting a ~~h~~House
60 ~~c~~Counsel position.
- 61 (d)(3) An attorney who provides legal advice to her or his employer but is not an active
62 member of the Bar or licensed as a House Counsel pursuant to this rule may be referred
63 for investigation for the unauthorized practice of law.
- 64 (e) Continuing legal education requirement. House Counsel shall pay the designated
65 filing fee and file with the MCLE Board by July 31 of each year a Certificate of
66 Compliance from the jurisdiction where House Counsel maintains an active license

67 establishing that she or he has completed the hours of continuing legal education required
68 of active attorneys in the jurisdiction where House Counsel is licensed;

69 (f) Subject to disciplinary proceedings. A person licensed as House Counsel shall be
70 subject to professional discipline in the same manner and to the same extent as members
71 of the Bar and specifically shall be subject to discipline by the Supreme Court as
72 delegated by rule and shall otherwise be governed by Chapter 13, the Rules of
73 Professional Conduct, Chapter 14 Article 5, Lawyer Discipline and Disability, Article 6,
74 Standards for Imposing Lawyer Sanctions, and other applicable rules adopted by the
75 Supreme Court, and all applicable statutory provisions.

76 (h) Notification of change in standing.

77 (h)(1) House Counsel shall execute and file with the Licensing Office a written notice of
78 any change in that person's membership status, good standing or authorization to practice
79 law in any jurisdiction where licensed.

80 (h)(2) House Counsel shall execute and file with the ~~Office of Professional Conduct~~ OPC
81 a written notice of the commencement of all formal disciplinary proceedings and of all
82 final disciplinary actions taken in any other jurisdiction.

83 (i) No Solicitation. House Counsel is not authorized by anything in this rule to hold out to
84 the public or otherwise solicit, advertise, or represent that he or she is available to assist
85 in representing the public in legal matters in Utah.

86 (j) Cessation of activity as house counsel. A House Counsel license terminates and the
87 House Counsel shall immediately cease performing all services under this rule and shall
88 cease holding herself or himself out as House Counsel upon:

89 (j)(1) termination of employment with the qualified employer as provided in subsection
90 (b)(6);

91 (j)(2) termination of residence, or the maintenance of his or her office in the State of Utah
92 as provided in subsection (b)(5);

93 (j)(3) failure to maintain active status in a sister state or United States territory or the
94 District of Columbia, or to satisfy the Bar's annual licensing requirements, including
95 compliance with mandatory continuing legal education requirements as provided for in
96 this rule;

97 (j)(4) completion of any disciplinary proceeding in Utah or any other jurisdiction, which
98 warrants suspension or termination of the House Counsel license; ~~or~~

99 ~~(j)(5) an attorney who seeks admission to practice in this state as House Counsel and~~
100 ~~who previously had a Utah House Counsel license that was terminated due to a~~
101 ~~disciplinary proceeding pursuant to subsection (j)(4) or whose license was terminated for~~

102 ~~a period longer than six months pursuant to subsection (j)(1), (j)(2), or (j)(3) must file a~~
103 ~~new application under this rule.~~

104 (k) Reinstatement after temporary lapse in license. An attorney whose House Counsel
105 license is terminated pursuant to subsection (j)(1), (j)(2), or (j)(3) shall be reinstated to
106 practice law as a House Counsel if within six months from the termination the attorney is
107 able to demonstrate to the Admissions Office that she or he has:

108 (k)(1) transferred to inactive status in accordance with subsection (l); or

109 (k)(2) employment with a qualified employer and has provided the required verification
110 of employment pursuant to subsection (b)(7);

111 (k)(3) established a residence or maintains an office for the practice of law as House
112 Counsel for the employer within the State of Utah; and

113 (k)(4) active status in a U.S. state, territory or the District of Columbia and has complied
114 with the Bar's annual licensing and MCLE requirements for House Counsel.

115 (l) Inactive status. House Counsel who is not currently practicing may transfer to inactive
116 status under Rule 14-203(a)(4). Doing so will prevent the lapse of the license as long as
117 the inactive status is maintained.

118 (l)(1) Inactive House Counsel may return to active status upon demonstration of
119 compliance with requirements (k)(1) through (k)(4) and payment of the necessary fees in
120 accordance with Rule 14-203(b).

121 ~~(m)~~ Notice of change of employment. House Counsel shall notify, in writing, the
122 Licensing Office of the termination of the employment pursuant to which the House
123 Counsel license was issued.

124 ~~(n)~~ Full admission to the Utah State Bar. A House Counsel license will be terminated
125 automatically once the attorney has been otherwise admitted to the practice of law in
126 Utah as an active member of the Bar. Any person who has been issued a House Counsel
127 license may qualify for full membership by establishing by clear and convincing evidence
128 that she or he:

129 ~~(m)(1) has filed a complete written request for a change of status with the Admissions~~
130 ~~Office in accordance with the filing deadlines set forth in Rule 14-707(b). The request for~~
131 ~~a change of status must include:~~

132 ~~(n)(1)(A) has applied a Reapplication for Admission form updating the information~~
133 ~~provided in the original application, including payment of the prescribed application fee.~~
134 ~~If the original application for admission is more than two years old, a new Complete~~
135 ~~Application for admission must be filed as an Attorney Applicant or Motion Applicant by~~

- 136 filing a Complete Application; any application must be filed in accordance with the filing
137 deadlines set for in Rule 14-707(b);
- 138 ~~(m)(1)(B) a criminal background check dated no more than 180 days prior to the filing of~~
139 ~~the change of status request;~~
- 140 ~~(m)(1)(C) satisfactory proof of both admission to the practice of law and that House~~
141 ~~Counsel is a member in good standing in all jurisdictions where currently admitted; and~~
- 142 ~~(m)(1)(D) has a proven record of ethical, civil and professional behavior and has never~~
143 ~~been disbarred or resigned with discipline pending, or their equivalent, in any jurisdiction~~
144 ~~and is not currently subject to lawyer discipline or the subject of a pending disciplinary~~
145 ~~matter.~~
- 146 ~~(m)(2) is of good moral character and satisfies the requirements of Rule 14-708;~~
- 147 (nm)(23) has successfully passed the Bar Examination under Rule 14-704, has transferred
148 a passing UBE score under Rule 14-712, or qualifies for admission under Rule 14-705.
149 Time spent in Utah practicing as House Counsel or performing pro bono services does
150 not qualify an attorney for admission under Rule 14-705; and
- 151 ~~(m)(4) has successfully passed the MPRE; and~~
- 152 (nm)(35) has complied with the provisions of Rule 14-716 concerning licensing and
153 enrollment fees.